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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against,

Case No. 800-2017-036877

13 **JOHN JAN LISZKA-HACKZELL, M.D.**

14 **Verde Valley Medical Center Anesthesia**
269 S. Candy Lane
Cottonwood, AZ 86326

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

15 **Physician's and Surgeon's Certificate No. C**
54115

16
17 One.

18
19 **FINDINGS OF FACT**

20 1. On or about May 11, 2018, Complainant Kimberly Kirchmeyer, in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs, filed Accusation No. 800-2017-036877 against John Jan Liszka-Hackzell, M.D.
23 (Respondent) before the Medical Board of California.

24 2. On or about May 5, 2010, the Medical Board of California (Board) issued Physician's
25 and Surgeon's Certificate No. C 54115 to Respondent. The Physician's and Surgeon's Certificate
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1 is in delinquent status, having expired on February 28, 2018. (Exhibit Package, Exhibit 1,
2 Certificate of Licensure.)¹

3 3. On or about May 11, 2018, an employee of the Board, served by Certified Mail a
4 copy of the Accusation No. 800-2017-036877, Statement to Respondent, Notice of Defense,
5 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 (all
6 referred to as the "Accusation Packet") to Respondent's address of record with the Board, which
7 was and is: Verde Valley Medical Center Anesthesia, 269 S. Candy Lane, Cottonwood, AZ
8 86326. (Exhibit Package, Exhibit 2, Accusation Packet)

9 4. On or about May 23, 2018, the aforementioned documents were signed for by "J.
10 DelGiorgio". On or about May 24, 2018, the aforementioned documents were returned by the
11 U.S. Postal Service marked "Attempted Not Known - Return to Sender." A copy of the signed
12 certified mail receipt and a copy of the envelope returned by the post office is attached. (Exhibit
13 Package, Exhibit 3, Proof of Service)

14 5. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505, subdivision (c).

16 6. On June 4, 2018, a Courtesy Notice of Default with a copy of the Accusation Packet
17 was sent by certified mail to the Respondent at two addresses: his address of record with the
18 Board and another address associated with the Respondent. As of June 20, 2018, neither
19 Courtesy Notice of Default package was returned as undeliverable. (Exhibit Package, Exhibit 4,
20 Courtesy Notice of Default and Proof of Service; Exhibit 5, Declaration of Deputy Attorney
21 General Rebecca D. Wagner)

22 7. Government Code section 11506 states, in pertinent part:

23 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
24 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
25 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
26 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

27 ¹ The Exhibits referred to herein, which are true and correct copies of the originals, are
28 contained in the accompanying Default Decision Evidence Packet.

1 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
2 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-
3 2017-036877.

4 8. Business and Professions Code section 118 states, in pertinent part:

5 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
6 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
7 order of a court of law, or its surrender without the written consent of the board, shall not, during
8 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
9 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
10 provided by law or to enter an order suspending or revoking the license or otherwise taking
11 disciplinary action against the license on any such ground.”

12 9. Government Code section 11506 states, in pertinent part:

13 “(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
14 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
15 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
16 respondent’s right to a hearing, but the agency in its discretion may nevertheless grant a hearing.”

17 10. California Government Code section 11520 states, in pertinent part:

18 “(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
19 agency may take action based upon the respondent’s express admissions or upon other evidence
20 and affidavits may be used as evidence without any notice to respondent.”

21 The Board is authorized to revoke Respondent’s Physician’s and Surgeon’s License based
22 upon the following violations alleged in the Accusation and in the certified Order for Surrender of
23 License and Consent to the Same from the Arizona Medical Board dated August 3, 2017 (Exhibit
24 Package, Exhibit 2):

25 a. Respondent John Jan Liszka-Hackzell, M.D. is subject to disciplinary action under
26 section 141(a) and/or 2305 of the Business and Professions Code (Code) in that on August 3,
27 2017, the Arizona Medical Board issued an Order for Surrender of License and Consent to the
28 Same. The Arizona Medical Board action was based on the suspension of Respondent’s

1 privileges by an Arizona hospital due to concerns regarding personal and improper use of
2 medications. (Exhibit Package, Exhibit 2, Arizona Order, Attached to Accusation)

3 11. Pursuant to its authority under Government Code section 11520, the Board finds
4 Respondent is in default. The Board will take action without further hearing and, based on
5 Respondent's express admissions by way of default and the evidence before it, contained in the
6 Exhibit Packet (Exhibits 1-5), finds that the allegations in Accusation No. 800-2017-036877 are
7 true.

8 **DETERMINATION OF ISSUES**

9 1. Based on the foregoing findings of fact, Respondent John Jan Liszka-Hackzell, M.D.
10 has subjected his Physician's and Surgeon's Certificate No. C 54115 to discipline within the
11 meaning of section 141(a) and/or 2305 of the Code.

12 2. The agency has jurisdiction to adjudicate this case by default.

13 3. Pursuant to its authority under section 11520 of the Government Code, and based on
14 the evidence before it, the Board hereby finds that the charges and allegations contained in
15 Accusation No. 800-2017-036877, and the Findings of Fact contained in Paragraphs 1 - 11,
16 above, and each of them, separately and severally, are true and correct.

17 4. Pursuant to its authority under Section 11520 of the Government Code, The Medical
18 Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate
19 based upon the following violations alleged in the Accusation:

20 a. Respondent's conduct and the discipline, restriction, or limitation imposed by
21 the Arizona Medical Board pursuant to section 141(a) and/or 2305 of the Code.

22 **ORDER**

23
24 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 54115, heretofore
25 issued to Respondent John Jan Liszka-Hackzell, M.D., is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
27 written motion requesting that the Decision be vacated and stating the grounds relied on within
28

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on August 9, 2018, at 5:00 p.m.

4 It is so ORDERED July 10, 2018

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FOR THE MEDICAL BOARD OF CALIFORNIA

7 DEPARTMENT OF CONSUMER AFFAIRS
8 KIMBERLY KIRCHMEYER
9 EXECUTIVE DIRECTOR
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E-mail: Rebecca.Wagner@doj.ca.gov
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *May 11 2018*
BY: *[Signature]* **ANALYST**

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-036877

13 **John Jan Liszka-Hackzell, M.D.**
14 **Verde Valley Medical Center Anesthesia**
15 **269 S. Candy Lane**
16 **Cottonwood, AZ 86326**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. C 54115,**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer
24 Affairs (Board).

25 2. On or about May 5, 2010, the Medical Board issued Physician's and Surgeon's
26 Certificate Number C 54115 to John Jan Liszka-Hackzell, M.D. (Respondent). The Physician's
27 and Surgeon's Certificate is in delinquent status, having expired on February 28, 2018.
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under

1 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
2 for unprofessional conduct against the licensee in this state."

3 6. Section 141 of the Code states:

4 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
5 department, a disciplinary action taken by another state, by any agency of the federal government,
6 or by another country for any act substantially related to the practice regulated by the California
7 license, may be a ground for disciplinary action by the respective state licensing board. A
8 certified copy of the record of the disciplinary action taken against the licensee by another state,
9 an agency of the federal government, or another country shall be conclusive evidence of the
10 events related therein.

11 "(b) Nothing in this section shall preclude a board from applying a specific statutory
12 provision in the licensing act administered by that board that provides for discipline based upon a
13 disciplinary action taken against the licensee by another state, an agency of the federal
14 government, or another country."

15 **CAUSE FOR DISCIPLINE**

16 **(Discipline, Restriction, or Limitation Imposed by Another State)**

17 7. Respondent John Jan Liszka-Hackzell, M.D. is subject to disciplinary action under
18 sections 141(a) and/or 2305 of the Code in that on August 3, 2017, the Arizona Medical Board
19 issued an Order for Surrender of License and Consent to the Same. The Arizona Medical Board
20 action was based on the suspension of Respondent's privileges by an Arizona hospital due to
21 concerns regarding personal and improper use of medications. A copy of the Order for Surrender
22 issued by the Arizona Medical Board is attached as Exhibit A.

23 8. Respondent's conduct and the action of the Arizona Medical Board constitute cause
24 for discipline pursuant to section 141 and/or 2305 of the Code.
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1. Revoking or suspending Physician's and Surgeon's Certificate Number C 54115, issued to John Jan Liszka-Hackzell, M.D.;
2. Revoking, suspending or denying approval of John Jan Liszka-Hackzell, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering John Jan Liszka-Hackzell, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

Kimberly Kirchmeyer
KIMBERLY KIRCHMEYER
Executive Director

SF2018400743
Accusation.hackzell.john.docx

Exhibit A

ORDER FOR SURRENDER OF LICENSE

AND CONSENT TO THE SAME DATED AUGUST 3, 2017



Arizona Medical Board

9545 E. Doubletree Ranch Road, Scottsdale AZ 85258 • website: www.azmd.gov
Phone (480) 551-2700 • Toll Free (877) 255-2212 • Fax (480) 551-2707

Governor

Douglas A. Ducey

Members

James Gillard, M.D.
Chair
Physician Member

R. Screven Farmer, M.D.
Vice-Chair
Physician Member

Jodi Bain, Esq.
Secretary
Public Member

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Physician Member

Teresa Connolly, D.N.P.
Public Member

Gary R. Figge, M.D.
Physician Member

Pamela E. Jones
Public Member

Lois E. Krahn, M.D.
Physician Member

Edward G. Paul, M.D.
Physician Member

Nanda Salter, R.N.
Public Member/R.N.

Executive Director

Patricia E. McSorley

I, Mary Bober, of the Arizona Medical Board, hereby certify that I am the official custodian of the records of the agency; and that the attached documents are true and complete copies of the documents requested regarding:

Physician Name: Jan J. Liszka-Hackzell, M.D.

License Number: 27923

Attached are the following document(s):

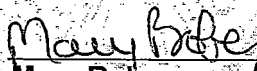
Document Name:
Physician Profile

Order for Surrender of License and Consent to the Same
Dated: August 3rd, 2017

Document # 6 of Pages:

Dated this 10th day of October, 2017

ARIZONA MEDICAL BOARD


Mary Bober
Custodian of Records

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JAN J. LISZKA-HACKZELL, M.D.**

5 Holder of License No. 27923
6 For the Practice of Medicine
 In the State of Arizona.

Case No. MD-17-0455A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT
TO THE SAME**

7 Jan J. Liszka-Hackzell, M.D. ("Respondent"), elects to permanently waive any right
8 to a hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of this Order by the Board.

11
12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of license number 27923 for the practice of
16 allopathic medicine in the State of Arizona.

17 3. The Board initiated case number MD-17-0455A on May 8, 2017 after
18 receiving information from a hospital indicating that Respondent's privileges had been
19 suspended due to concerns regarding personal and improper use of medications. No harm
20 to patients was identified or alleged.

21 4. On May 14, 2017, Respondent requested the opportunity to surrender his
22 license relating to health concerns.

23 5. On May 31, 2017, the Board received information from the same hospital
24 indicating that Respondent's privileges were officially revoked on May 3, 2017.

25

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2.. The Board possesses statutory authority to enter into a consent agreement
5 with a physician and accept the surrender of an active license from a physician who
6 admits to being unable to safely engage in the practice of medicine. A.R.S. § 32-
7 1451(T)(1).

8 ORDER

9 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
10 Number 27923, issued to Jan J. Lyszka-Hackzell, M.D., for the practice of allopathic
11 medicine in the State of Arizona, and return his certificate of licensure to the Board.

12 DATED and effective this 31st day of August, 2017.

13 ARIZONA MEDICAL BOARD

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15 By:

Patricia E. McSorley
Patricia E. McSorley
Executive Director

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1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If the Board does not adopt this Order, Respondent will not assert as a
5 defense that the Board's consideration of the Order constitutes bias, prejudice,
6 prejudgment or other similar defense.

7 9. *Respondent has read and understands the terms of this agreement.*

8
9 
10 JAN J. LISZKA-HACKZELL, M.D.

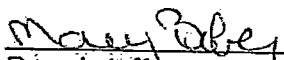
Dated: June 27, 2017

11
12 EXECUTED COPY of the foregoing mailed by
US Mail this 3rd day of August, 2017 to:

13 Jan J. Liszka-Hackzell, M.D.
14 Address of Record

15 ORIGINAL of the foregoing filed this
16 3rd day of August, 2017 with:

17 The Arizona Medical Board
18 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

19 
20 Board staff